



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/799,965

03/12/2004

J. Scott Merritt

PS0001

9025

7590

02/14/2006

J. Scott Merritt
130 Elsmere Avenue
Delmar, NY 12054-4310

EXAMINER

ARTHUR JEANGLAUD, GERTRUDE

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berson et al. (U.S. Patent No. 6,905,091).

As to claims 1, 13, Berson et al. disclose an apparatus for entering a flight plan into an aircraft navigation system, apparatus comprising an acoustic sampler for generating an acoustic signal (See abstract; col. 4, lines 19-32); a waypoint identifier (determining waypoints) for generating an identified waypoint from the acoustic signal and the flight plan (See col. 5, lines 55-67-col. 6, lines 1-8); it also discloses a navigation interface adapted for incorporating the identified waypoint into the flight plan and for transmitting and receiving navigation data to and from the aircraft navigation system (See Fig. 4A; col. 7, lines 26-37). Though Berson et al. fail to specifically disclose a microphone signal, it discloses an acoustic level cueing as shown in Fig.1 wherein one of ordinary skill in the art at the time of the invention would sample all signals from microphone and aircraft for better operation of the aircraft.

Allowable Subject Matter

Claims 2-12, 14-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to disclose that the acoustic sampler is further adapted to generate a speech flag signal indicating portions of the acoustic signal corresponding to combinations of pilot speech and cabin noise and portions of the acoustic signal corresponding to cabin noise only; and the waypoint identifier is further adapted to generate the identified waypoint using the speech flag signal. Nor does the prior art disclose that the waypoint comprises in combination a vocabulary filter adapted for filtering a vocabulary database to yield a feasible vocabulary set; a geography filter adapted for filtering a geography database using the flight plan to yield a feasible waypoint set; and a waypoint constructor adapted for constructing the identified waypoint from the feasible vocabulary set and the feasible waypoint set.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ



February 6, 2006


GERTRUDE A. JEANGLAUE
PRIMARY EXAMINER